

**MINUTES**  
**Crested Butte Town Council**  
**Regular Council Meeting**  
**November 21, 2011**  
**Council Chambers, Crested Butte Town Hall**

Mayor Aaron Huckstep called the meeting to order at 7:04 p.m. Councilmembers present: Jim Schmidt, John Wirsing, Glenn Michel, Shaun Matusewicz and Roland Mason. Councilmember Absent: David Owen. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Deputy Town Clerk Carmen Bell, Town Clerk Eileen Hughes (for part of meeting), Finance Director Lois Rozman (for part of meeting), Town Planner John Hess (for part of meeting), Building and Zoning Director Bob Gillie (for part of meeting), Public Works Director Rodney Due (for part of meeting) and Parks and Recreation Director Jake Jones (for part of meeting).

**APPROVAL OF AGENDA**

Schmidt requested the addition of a conditional approval of the contract with the State Historic Fund for the Depot renovation under New Business. Matusewicz requested the Ordinance No. 21, Series 2011 be continued to October 8, 2012.

Matusewicz moved and Wirsing seconded to approve the agenda as amended. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

A) Approval of Minutes of November 7, 2011 Regular Council Meeting.

Mason moved and Wirsing seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**PUBLIC COMMENTS**

Crested Butte resident Skip Berkshire requested that the Council consider allocating some funds for a mural on the outside of the cement wall on the south side of the ice rink to deter that spot from becoming a graffiti location. Berkshire also asked Council to consider re-introducing "Coffee with the Council" as it is a good opportunity for the Council to make themselves available to the public outside of the meetings. Lastly, Berkshire noted that he is okay with the proposed Council pay raises.

**STAFF REPORTS**

Rodney Due

- Public Works is gearing up and preparing for the winter season.
- Noted that the new "3 inch rule" is scheduled to start on December 1 contingent upon if he is able to hire two seasonal winter employees and have them properly supervised. He has received a few applications for the position. In response to a question from the Council as to where the snow is measured, Due explained that there is a live snowcam located at the shops and that the snow accumulation is measured over a 24 hour period. Due noted that the snowcam is accessible to anyone via the Town's website.

Jake Jones

- Reviewed that the Parks & Recreation Department hangs approximately 100 live wreaths for the winter season along 6<sup>th</sup> Street and Elk Avenue. The wreaths will begin going up in the next two

weeks and will remain up as long as they look nice. Jones noted that the timing of the wreath hanging has been coordinated with the Chamber of Commerce's Light Up Night special event. In terms of tree lights, Jones reviewed that it is part of the Gunnison County Electric Association franchise agreement to hang lights on the tree adjacent to the Brick Oven Pizzeria and the Brick Oven Pizzeria provides the power to the lights. A Councilmember suggested that the Town consider planting a holiday tree at the 4-Way stop near the tennis courts and Public Works Director Rodney Due clarified that there is already a donated tree that has been planted on the southwest corner of the 4-Way stop.

- The Ice Rink is getting close. The concrete was completed 2 weeks ago, the electricians and roofers continue to work and the dasher boards are scheduled to be delivered and installed soon. There is a dedication tentatively scheduled for either Tuesday, December 20 or Wednesday, December 21.

Lois Rozman

- Noted her staff report regarding 3<sup>rd</sup> quarter financials.

Bob Gillie

- Noted the letter from former Building Department Assistant Phillip Supino that was in the Council packet and reviewed that Supino was instrumental in putting the Energy Action Plan together.

John Hess

- On November 30 at 1 p.m. there will be a meeting with the Environmental Protection Agency and the Standard Mine Advisory Committee to talk about the Record of Decision document and the re-vegetation status and responses to Standard Mine Advisory Committee Task Force comments.
- There is a deed restricted mobile home for sale in Red Lady Estates. It will first be offered to Town employees and if no one is interested or qualifies it will then be open to the public.

Carmen Bell

- The Chamber of Commerce's Light Up Night special event has been administratively approved.

Susan Parker

- The Waste Management contract is with legal for review and will come before the Council on December 5.
- Has completed the initial review of the Gunnison County Electrical Association franchise agreement, which terminates in February of 2012.

### **PUBLIC HEARINGS**

- A) Special Event Liquor License – KBUT 90.3 FM – December 20, 2011 from 4 p.m. to 8 p.m. at 508 Maroon Avenue.

Mayor Huckstep confirmed with Deputy Town Clerk Carmen Bell that proper public notice of the public hearing was given. Arvin Ram was present for discussion representing KBUT. Mayor Huckstep opened the public hearing. Mayor Huckstep closed the public hearing.

Schmidt moved and Matusiewicz seconded to approve KBUT's special event liquor license application for December 20, 2011 from 4 p.m. to 8 p.m. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- B) Approval of Change of Location Permit for Hotel and Restaurant Liquor License – Pitaboy Inc d/b/a Pitas in Paradise from 212 Elk Avenue to 302 Elk Avenue, Crested Butte, Colorado. Principle Officer of Pitaboy Inc is Michael Mollison.

Mayor Huckstep confirmed with Deputy Town Clerk that proper public notice of the public hearing was given. Mike Mollison was present for discussion and briefly reviewed change of location details. Mayor Huckstep opened the public hearing. Mayor Huckstep closed the public hearing.

Mason moved and Wirsing seconded to approve a change of location permit for a Hotel and Restaurant Liquor License held by Pitaboy Inc. to 302 Elk Avenue for the reasons stated in the staff report dated November 15, 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- C) Ordinance No. 22, Series 2011 – An Ordinance Vacating Sopris Avenue between Blocks 51 and 52, Town of Crested Butte East to the West Property Line of Lot 26, Block 52 and West to the Colorado Highway 135 Right of Way, Whiterock Avenue between Blocks 50 and 51, Town of Crested Butte and West to the Colorado Highway 135 Right of Way, Belleview Avenue between Blocks 49 and 50, Town of Crested Butte and West to the Colorado Highway 135 Right of Way; Vacating the Alleys in Blocks 49, 50 and 51, Town of Crested Butte; Vacating that Certain Parcel of Land in Block 52, Town of Crested Butte North of Sopris Avenue, West of Lot 17.

Mayor Huckstep confirmed with Deputy Town Clerk Carmen Bell that proper public notice of the public hearing was given. Building and Zoning Director Bob Gillie reviewed that this ordinance vacates the rights-of-ways that go through Town Park and that this ordinance is being proposed in preparation for a possible Center for the Arts expansion. Jennifer Hartman was present for discussion representing the Center for the Arts. Mayor Huckstep opened the public hearing. Mayor Huckstep closed the public hearing.

Schmidt moved and Wirsing seconded to approve Ordinance No. 22, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- D) Ordinance No. 23, Series 2011- An Ordinance Amending Chapter 13, Article 5 of the Crested Butte Municipal Code to Include Therein the Right of Any Occupant of Any Dwelling to Opt Out of the Compulsory Refuse Collection Requirement where Certain Requirements are Met.

Mayor Huckstep confirmed with Deputy Town Clerk Carmen Bell that proper public notice of the public hearing was given. Town Manager Susan Parker noted the letter from the Ryans as an example of why staff presented the proposed change and clarified that the Ryans were not overbilled 200%, but were billed what the present regulations allow. Mayor Huckstep opened public hearing. Mayor Huckstep closed public hearing. Town Attorney John Belkin noted that Finance Director Lois Rozman's concerns had been addressed as seen in the changes since ordinance introduction.

Schmidt moved and Wirsing seconded to approve Ordinance No. 23, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- E) Ordinance No. 21, Series 2011-An Ordinance Raising the Payment of Compensation to Members of the Town Council and the Mayor.

Continued to October 8, 2012.

#### **NEW BUSINESS**

- A) Ordinance No. 24, Series 2011 – An Ordinance Amending Chapter 6-2 Of The Crested Butte Municipal Code Providing For A Temporary Reduction To Certain Portion Of The Business And Occupation Licensing Tax For The Fiscal And Calendar Year Of 2012; And Providing For The Automatic Repeal Thereof Effective On The First Day Of January 2013.

Town Manager Susan Parker reviewed that this is an ordinance that is adopted yearly so that the Town can collect the Business License fees starting the first of the year. A Councilmember inquired if the Chamber of Commerce could help in the collection of this fee since they are the primary beneficiaries and Parker suggested that this issue could be addressed with the Chamber of Commerce during their service agreement. A councilmember clarified that this ordinance adopts a reduction to \$100 per year for a Business License and not adopting the proposed Business and Occupation Licensing Tax would revert the Business License fees back to a tiered system.

Matusiewicz moved and Wirsing seconded to set Ordinance No. 24, Series 2011 for public hearing on December 5, 2011.

B) Re-Consideration of Service Grant Request From Yoga for the Peaceful/Yoga World Reach.

Monica Mesa, owner of Yoga for the Peaceful, was present for discussion and noted the information in the Council packets regarding the grant request. Mesa reviewed that Yoga World Reach is an inaugural yoga and music festival that is a family event that has been marketed since February and will bring new visitors to Crested Butte, thus providing an economic stimulus. Mesa noted that the presenters are world-class and the event will be a draw for health and wellness. Mesa noted that yoga festivals are a big thing at the moment and that this will be the first ever winter festival. Mesa reviewed that the festival has been designed so that there are classes in the morning and late afternoon, but the middle of the day is open for the participants to enjoy skiing and other activities that the area has to offer.

The Council asked questions regarding the advertising budget, ticket sales and expenses. Council expressed that while they like the idea of stimulating winter festivals, they need to see a more detailed budget. Town Manager Susan Parker noted that both the Service Grant and Venture Funds are zeroed out for 2011 and that Yoga for the Peaceful is not eligible for any Service Grant funds because they are a for-profit business. Council requested that Mesa provide a more detailed budget and that the item be revisited at the December 5 meeting.

C) Ordinance No. 19, Series 2011- An Ordinance Amending And Refining The Town's Resident Occupied Affordable Housing Requirements And Fees Contained In Chapter 16, Article 12 Of The Crested Butte Municipal Code.

The Council had a work session on this Ordinance prior to the meeting and decided that they wanted an additional work session for further discussion. Mayor Huckstep opened the discussion for public comment.

Gary Hartman of Sunlit Architecture and the 6<sup>th</sup> Street Station Project gave Council a handout titled "Affordable Housing Analysis – Developing Carrying Capacity" and noted that Attorney Chuck Cliggett has specifically asked the Town for a formal Council agenda item to discuss the impacts of affordable housing on the 6<sup>th</sup> Street Station Project. Hartman stated that he is for affordable housing, however he wondered if anyone on the recent affordable housing committee had looked at the issues from the developer's standpoint. Hartman explained that the handout is a scenario that compares Telluride and Crested Butte and stated that proposed affordable housing fees are a "no growth moratorium." Among other requests as detailed on page 3 of the handout, Hartman asked the Council to repeal the current affordable housing ordinance in its entirety and allow all projects currently in process to be grandfathered under the previous (pre-June 2011) ordinance.

Jennifer Hartman, speaking as a board member for the Center for the Arts and co-chair for the Center for the Arts Expansion Task Force, stated that preliminary figures for the proposed Center for the Arts expansion is 8.8 million dollars and under Ordinance No. 7, Series 2011 the affordable housing fees would be 3.4 million dollars and under the proposed Ordinance No. 19, Series 2011 the affordable housing fees would be 2.5

million dollars. Hartman noted that under the original affordable housing ordinance public building were not affected and that either of the Ordinance No. 7 or Ordinance No. 19 fees would stop the expansion project. Hartman requested that if the affordable housing fees are to include public buildings then the Council consider these on a case-by-case basis and consider not including spaces such as the stage, storage, lobby, etceteras. Hartman suggested that a study of jobs created by a project may lead to a more realistic affordable housing calculation. Hartman urged the Council to repeal the affordable housing ordinance.

D) Review of Council Rules of Procedure.

The Council discussed several details regarding the proposed Rules of Procedure. One councilmember suggested that cell phones be turned off during meetings as they can be a distraction. Other councilmembers pointed out that they utilize their cell phones as calendars and calculators, but certainly do not call or text during meetings. Council agreed to add "as a representative of the town" to the first sentence of page 12, item 6. The Council additionally agreed to change "staff reports" to "staff updates" on the agenda, and thus correct this language on page 5, item 5 of the Rules of Procedure.

Council directed staff to make the two changes as discussed and bring the final draft back to the Council for approval at the December 5 meeting.

E) Council Committee Appointments.

Council discussed committee appointments and made the following appointments:

Rural Transportation Authority: Aaron Huckstep and Roland Mason.

Mountain Express Board: David Owen and Roland Mason.

Tourism Association: John Wirsing.

Crested Butte/Mt. Crested Butte Chamber of Commerce: John Wirsing and Shaun Matuszewicz as the alternate.

Office for Resource Efficiency: Glenn Michel and David Owen as the alternate.

Gunnison County Housing Authority Advisory Board: David Owen, Jim Schmidt and Neil Windsor as the alternate.

Center for the Arts: Aaron Huckstep

Gunnison Valley Land Preservation Board: No discussion because the present appointments of Sue Navy, Dan Jones and Jim Schmidt all valid until term expiration in February, 2014.

West Elk Loop Scenic Byway Committee: David Owen.

Colorado Association of Ski Towns: Aaron Huckstep and Susan Parker.

Region 10: Glenn Michel.

Gunnison Valley Transportation Planning Region Committee: Bob Gillie.

Downtown Crested Butte Lodging Association: John Wirsing.

Broadband High Speed Internet Committee: Aaron Huckstep and Shaun Matuszewicz.

Affordable Housing Committee: David Owen and John Wirsing.

Kochevar trails Group: Jim Schmidt, Shaun Matuszewicz and Aaron Huckstep as alternate.

Wirsing moved and Schmidt and Mason simultaneously seconded to approve the committee appointments as discussed. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

F) Approval of 2012 Council Meeting Calendar.

Mayor Huckstep noted a letter from David Leinsdorf requesting that the Council move their regular meeting date from Mondays to Tuesdays. Council discussed the issue and decided to hold off until all councilmembers were present to decide. Council directed staff to place the item on the December 5 agenda.

- G) Review and Approval of License Agreement to Sherman Street Holdings, LLC in Connection with Penelope's Condominiums.

Town Attorney John Belkin reviewed that the license agreement is for the deck on the present Penelope's building. Building and Zoning Director Bob Gillie noted that the porch has been in place since 1880 and this license agreement is simply a housekeeping measure.

Schmidt moved and Wirsing seconded to approve the license agreement to Sherman Street Holdings, LLC in connection with the Penelope's Condominiums. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- H) Approval of Map of and Declaration Establishing Penelope's Condominiums.

Schmidt moved and Wirsing seconded to approve the map and declaration establishing Penelope's Condominiums. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

- I) Conditional Approval of the Contract with the State Historic Fund for the Depot Renovation.

Town Attorney John Belkin noted the items that were e-mailed to Council earlier in the day from Building and Zoning Director Bob Gillie. Belkin reviewed that the Council spoke about this matter in August and the Mayor needs to be authorized to sign the contract with the State for the Depot renovations scheduled for this summer. Belkin noted that the contract is standard and suggested that the Council conditionally approve the contract as long as no objections are registered by November 30, 2011. Town Manager Susan Parker noted that the approved 2012 budget contains a matching amount approved for the Depot project. Gillie explained that this is phase 1 of the project, which will allow the Town to hire a consultant and repair the roofs and eaves.

Schmidt moved and Wirsing seconded to approve the Mayor signing the contract with the State Historic Fund given that there are no objections registered by the Council by November 30, 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

### **EXECUTIVE SESSION**

A councilmember suggested that the executive session be moved to the end of the meeting as no action is expected. Council agreed.

### **LEGAL MATTERS**

John Belkin:

- Has spent a lot of time with John Hess working on proposed Ordinance No. 19, Series 2011.
- He is working with Building Department Historic Preservation Coordinator Molly Minneman on the Request For Proposal and services contract for the Depot project.
- Met with Town Manager Susan Parker and Mayor Aaron Huckstep recently on utility issues. The Council will likely see Atmos as a work session item on the December 5 agenda.
- Is working on right-of-way issues and Century Link.
- Will be working with Town Manager Susan Parker on the Waste Management contract.
- Town Manager Susan Parker is working on the library lease.
- Jay Cope, the Town's water attorney, has passed away. Cope's office has given Belkin a recommendation for a replacement that is an excellent niche water firm. The Council directed Belkin to speak to the recommended replacement and provide Council with a memo.

## COUNCIL REPORTS AND COMMITTEE UPDATES

Shaun Matuszewicz

- Attended a meeting in Gunnison with Mayor Huckstep regarding broadband internet.

John Wirsing

- There was a Crested Butte/Mt. Crested Butte Chamber of Commerce Board meeting this past week. The Chamber director has been let go and the Chamber is currently searching for a new director. The Chamber is looking at possibility of short-term assistance for the immediate future.

Aaron Huckstep

- Town Manager Susan Parker, Councilmember Shaun Matuszewicz and Huckstep attended the Crested Butte Nordic Center's annual potluck meeting. It was a well attended event. Reported that the Council plans to plow to the "Y" on Kebler Pass Road until Thanksgiving and that the Nordic Center grooms at Lilly Lake. Also noted that the Crested Butte Nordic Center will hold their annual Thanksgiving Camp this upcoming weekend.
- Have spoken with Mt. Crested Butte Mayor William Buck on a monthly council happy hour called a "Mayor's Mingle," which would be co-hosted by the Town and Mt. Crested Butte and would alternate locations each month. Huckstep noted that the first event will probably occur in January and he will keep the Council updated.

## OTHER BUSINESS

- Town Manager Susan Parker noted that she will inquire on plans for the ice rink wall and report back to the Council.
- A councilmember relayed that "Coffee With the Council" was discontinued because people were using it as a tool to lobby Council members and it was becoming a wedge between the Council and Town staff and the Council decided that the public needs to propose ideas to staff first.
- Councilmember Schmidt assured the Council and public that the group of councilmembers who joined forces and teamed up for Brick Oven Pizzeria Trivia Night were not conducting any business, but rather just gathering socially.

## DISCUSSION OF SCHEDULING FUTURE WORK SESSION MEETING ITEMS

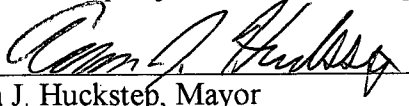
- Council decided to hold a work session on Ordinance No. 19, Series 2011 from 5:30 p.m. to 7 p.m. on December 12.
- Council agreed to push the Elk Avenue follow-up discussion to mid-January.
- Council directed Town Manager Susan Parker to find a facilitator and arrange a Council retreat for January 2012.

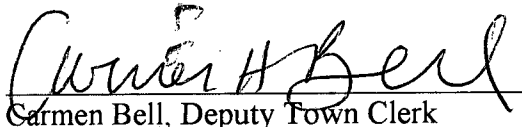
## EXECUTIVE SESSION

Schmidt moved and Wirsing seconded to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6-402(4) (b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council took a short break and then went into executive session at 10:45 p.m. Council returned from executive session at 11:14 p.m. Mayor Huckstep made the required announcement upon returning to the open meeting. No action was taken.

Mayor Huckstep adjourned the meeting at 11:15 p.m.

  
Aaron J. Huckstep, Mayor

  
Carmen Bell, Deputy Town Clerk

(SEAL)